

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,
Plaintiff

v.

ALL FUNDS ON DEPOSIT
AT SUN SECURED ADVANTAGE
ACCOUNT NUMBER 26-2673-031320
HELD AT THE BANK OF N.T.
BUTTERFIELD AND SON LIMITED
IN BERMUDA

Defendant,

HECTOR JAVIER VILLARREAL
HERNANDEZ,
Claimant.

CIVIL CASE NO. C-13-CV-033

AGREED FINAL JUDGMENT OF FORFEITURE

THIS DAY came on to be considered the Joint Motion for Agreed Final Judgment of Forfeiture.

Having taken judicial notice of the matters on file in this case, the Court finds the following facts at the parties' request.

- A) On February 6, 2013, the United States of America (Plaintiff) filed a Verified Complaint for Forfeiture in Rem against all funds on deposit at Sun Secured Advantage Account Number 26-2673-031320, held at The Bank of N.T. Butterfield and Son Limited in Bermuda (hereinafter referred to as "Subject Property"). (D.E. # 1). On March 27, 2013, Bermuda executed the warrant for arrest in rem regarding Subject Property. (D.E. #12).
- B) Subject property is further described in this case as all funds invested under the investment contract Sun Secured Advantage Account Number 26-2673-031320 issued by Sun Life Financial Investments (Bermuda) Ltd. in Bermuda and held in a trust account at Butterfield Trust (Bermuda) Limited in Bermuda.

- C) The court has jurisdiction of Subject Property.
- D) Notice of civil forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 9, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. (D.E. #4).
- E) Service has been effected on all potential Claimants to the Subject Property both known and unknown. Service has been effected on the following potential claimants who are known to the Plaintiff: (1) the brother of Altagracia Daniela Rodriguez, a named account holder of Subject Property (D.E. #14); (2) the husband of Claimant's sister, Paola Villarreal (D.E. #14); (3) and the attorney for Claimant's sister and brother-in-law. (D.E. #14); (4) Plaintiff sent a Mutual Legal Assistance Treaty (MLAT) request to Mexico for the service of process on Claimant (D.E. #19); and (5) Plaintiff later was able to serve Claimant through the retained attorney of Claimant. (D.E. #22 & #23).
- F) On March 13, 2013, Senator Luis Fernando Salazar Fernandez from Coahuila, Mexico filed a verified claim in the case, which he later withdrew. (D.E. #s 5 & 17). Claimant Hector Javier Villarreal Hernandez filed a verified claim on February 19, 2014, (D.E. #25) and later filed an answer on March 11, 2014. (D.E. #31). Claimant Hector Javier Villarreal Hernandez now, in the Joint Motion for Final Forfeiture, agrees to the forfeiture of Subject Property to the United States.
- G) The time to appear and challenge this forfeiture action having passed, all potential claimants to the Subject Property are in default save and except Claimant Hector Javier Villarreal Hernandez, who is in agreement with the forfeiture of Subject Property to the United States.

It is therefore ORDERED, ADJUDGED, AND DECREED:

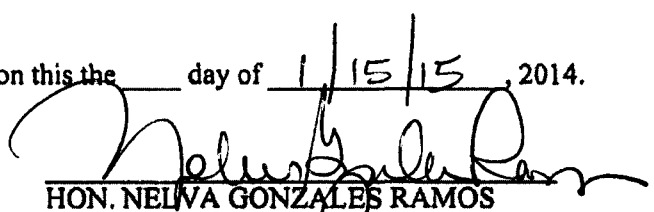
- 1) Judgment is hereby entered in this case in favor of the United States against all

potential claimants;

- 2) The interests of all persons and entities, including Claimant Hector Javier Villarreal Hernandez, in the Subject Property are hereby forfeited to the United States of America;
- 3) All right, title, and interest in the Subject Property are vested in the United States of America; and
- 4) United States of America shall dispose of Subject Property in accordance with applicable law.

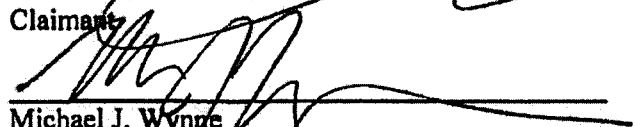
THIS IS A FINAL JUDGMENT.

Signed at Corpus Christi, Texas, on this the 11 day of 15, 2014.


HON. NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE

AGREED TO IN FORM AND SUBSTANCE BY:


HECTOR JAVIER VILLARREAL HERNANDEZ
Claimant


Michael J. Wynne
1000 Louisiana Street, Suite 3900
Houston, Texas 77002
PH: (713) 653-1700
FX: (713) 739-7592
Texas Bar No. 00785289
ATTORNEY FOR CLAIMANT

KENNETH MAGIDSON
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF TEXAS
By: 

JULIE K. HAMPTON
Assistant United States Attorney
800 North Shoreline Blvd., Ste. 500
Corpus Christi, Texas 78401
(361) 888-3111 Phone
(361) 888-3200 (Facsimile)
Counsel for Plaintiff